



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2012-00680

17 October 2017

17 November 2017

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Texas Department of Transportation (TxDOT) Beaumont District
acting as Federal Highways Administration (FHWA)
8350 Eastex Freeway
Beaumont, Texas 77708
POC: Ms. Diana Griffith
Telephone: 409-892-7311

LOCATION: The project site is located in the Port Arthur Ship Canal parallel to State Highway (SH) 87 that starts near the City of West Port Arthur continuing for 3.1 miles and ending near the City of Sabine Pass, in Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Arthur South, Texas.

LATITUDE & LONGITUDE (NAD 83):

Start Latitude: 29.813426° North; **Longitude:** 093.960138° West

End Latitude: 29.772873° North; **Longitude:** 093.939394° West

PROJECT DESCRIPTION: The applicant proposes to discharge an estimated total of 891 cubic yards of fill material below the mean high tide (MHT) line of the Port Arthur Ship Canal during installation of extended culverts, bedding, riprap, and sheet pile as bank stabilization and erosion prevention along a 3.1-mile distance of SH 87. The discharge of fill material is comprised of a total of 13,937 linear feet (9,738 linear feet below MHT) of bedding and rip rap and a total of 8,740 linear feet (8,589 linear feet below MHT) of sheet pile placed in specific locations along the 3.1-mile distance.

In locations where shoreline failure is currently undermining the pavement of SH 87, super sack (sandbags) placement has occurred to stabilize the shoreline until sheet pile, bedding, and rip rap can be placed. The super sack (sandbags) will be retained during construction and removed upon completion.

BACKGROUND: The proposed project has been undertaken with Federal funding from the U.S. Department of Transportation, FHWA. The FHWA has reviewed the proposed project in compliance with the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, and other relevant laws and executive orders.

The earthen berm that protected SH 87 from the erosion caused by continuous debris wash over and wake waves from the adjacent Port Arthur Ship Channel was washed away in thirteen separate locations along a 3.1-mile distance as a result of impacts from Hurricane Harvey. These impacts have increased the erosion along this 3.1-mile distance of SH 87 to such a degree that immediate action is needed to protect the roadway from further undermining and road surface instability to prevent roadway failure and immediate remediation is needed for unsafe pavement edge drop-off conditions. This roadway provides access to residential, governmental, and industrial facilities in the Sabine Pass area and these areas would be inaccessible if these repairs are not made. Initial immediate emergency corrective protection measures have taken place with the placement of super sacks (sandbags) in areas threatened with imminent roadway failure.

The proposed project will be constructed using super sacks (sandbags) in areas to be filled in which the super sacks (sandbags) will act as a working pad from which a 25-foot-wide sheet pile can be installed to a 3-foot top of wall elevation. The super sacks (sandbags) working pad will be removed, the area excavated to achieve appropriate grade and geotextile material placed. These areas will have 9-inch-diameter stone bedding material that will be covered with 30-inch-diameter stone protection placed to a 7.5-foot top of stone elevation. The super sacks (sandbags) will also be used to dewater areas in which culverts will be extended to accommodate the proposed bank stabilization project.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by constructing the bank stabilization within the existing TxDOT right-of-way (ROW). The applicant has stated they will use Best Management Practices to minimize further environmental impacts during construction.

MITIGATION: The applicant proposes to mitigate for any impacts that occur from construction to wetlands at a Galveston District approved mitigation bank.

CURRENT SITE CONDITIONS: The project site is within the existing ROW of SH 87 from the starting point south of West Port Arthur, to the ending point north of Sabine Pass. The project site consists of the land and the adjacent tidally influenced waters of the Port Arthur Ship Channel.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 42 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS: Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area has been so extensively impacted by construction of the Port Arthur Canal and Hwy 87 that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **17 November 2017**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2012-00680**, and should be submitted to:

North Unit/Evaluation Branch
Regulatory Division, CESWG-RD-E
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS